

02-15-06

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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                        |                     |
|------------------------|---------------------|
| Application Number     | 09/990,436          |
| Filing Date            | NOVEMBER 14, 2001   |
| First Named Inventor   | DAVID BOTSTEIN      |
| Group/Art Unit         | 1646                |
| Examiner Name          | KEMMERER, ELIZABETH |
| Attorney Docket Number | 39780-2730 P1C14    |

Total Number of Pages in This Submission

210

**ENCLOSURES (check all that apply)**☒ **FEE TRANSMITTAL FORM**☐ Fee Attached☐ Amendment / Response☐ After Final☐ Version With Markings Showing Changes☐ Affidavits/declaration(s)☒ **EXTENSION OF TIME REQUEST  
(ONE MONTH)**☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Copy of Notice☐ Copy of an Assignment☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers☐ Terminal Disclaimer☐ Small Entity Statement☐ Request for Refund☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☒ **APPEAL COMMUNICATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF)**☐ Request for Oral Hearing☐ Status Letter☒ **ADDITIONAL ENCLOSURE(S)  
(PLEASE IDENTIFY BELOW):**☒ **EVIDENCE APPENDIX ITEMS 1-15;  
AND RETURN POSTCARD**

02/16/2006

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Remarks

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2730 P1C14.****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

|                         |  |                           |                                    |  |
|-------------------------|--|---------------------------|------------------------------------|--|
| Firm or Individual name | HELLER EHRMAN LLP                                  |                           | GINGER R. DREGER (Reg. No. 33,055) |  |
|                         | 275 Middlefield Road, Menlo Park, California 94025 | Telephone: (650) 324-7000 | Facsimile: (650) 324-0638          |  |
| Signature               |  |                           |                                    |  |
| Date                    | FEBRUARY 13, 2006                                  | Customer Number:          | 35489                              |  |

**CERTIFICATE OF EXPRESS MAILING**I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP APPEAL BRIEF - PATENTS**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **FEBRUARY 13, 2006**Express Mail Label **EV 765 981 893 US**

|                       |         |      |                   |
|-----------------------|---------|------|-------------------|
| Typed or printed name | C. FONG |      |                   |
| Signature             |         | Date | FEBRUARY 13, 2006 |

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# FEE TRANSMITTAL for FY 2006

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**620.00**

## Complete if Known

|                      |                     |
|----------------------|---------------------|
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| Examiner Name        | KEMMERER, ELIZABETH |
| Art Unit             | 1646                |
| Attorney Docket No.  | 39780-2730 P1C14    |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: **08-1641**  
Deposit Account Name: **HELLER EHRMAN LLP (39780-2730 P1C14)**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments.  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 300                   | 2001 150                   | Utility filing fee     |          |
| 1002 200                   | 2002 100                   | Design filing fee      |          |
| 1003 200                   | 2003 100                   | Plant filing fee       |          |
| 1004 300                   | 2004 150                   | Reissue filing fee     |          |
| 1005 200                   | 2005 100                   | Provisional filing fee |          |

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims              | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| Independent Claims        | -20** =      | X              |          |
| Multiple Dependent Claims | -3** =       | X              |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 50                    | 2202 25                    | Claims in excess of 20                                     |
| 1201 200                   | 2201 100                   | Independent claims in excess of 3                          |
| 1203 360                   | 2203 180                   | Multiple dependent claim, if not paid                      |
| 1204 200                   | 2204 100                   | ** Reissue independent claims over original patent         |
| 1205 50                    | 2205 25                    | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130                   | 2051 65                    | Surcharge - late filing fee or oath  |          |
| 1052 50                    | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                   | 1053 130                   | Non-English specification  |          |
| 1812 2,520                 | 1812 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*                  | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                | 1805 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251 120                   | 2251 60                    | Extension for reply within first month                                     | 120.00   |
| 1252 450                   | 2252 225                   | Extension for reply within second month                                    |          |
| 1253 1,020                 | 2253 510                   | Extension for reply within third month                                     |          |
| 1254 1,590                 | 2254 795                   | Extension for reply within fourth month                                    |          |
| 1255 2,160                 | 2255 1,080                 | Extension for reply within fifth month                                     |          |
| 1401 500                   | 2401 250                   | Notice of Appeal   |          |
| 1402 500                   | 2402 250                   | Filing a brief in support of an appeal                                     | 500.00   |
| 1403 1,000                 | 2403 500                   | Request for oral hearing   |          |
| 1451 1,510                 | 1451 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452 500                   | 2452 250                   | Petition to revive - unavoidable   |          |
| 1453 1,500                 | 2453 750                   | Petition to revive - unintentional   |          |
| 1501 1,400                 | 2501 700                   | Utility issue fee (or reissue)   |          |
| 1502 800                   | 2502 400                   | Design issue fee   |          |
| 1503 1,100                 | 2503 550                   | Plant issue fee  |          |
| 1460 130                   | 1460 130                   | Petitions to the Commissioner  |          |
| 1807 50                    | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                   | 1806 180                   | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                    | 8021 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809 790                   | 2809 395                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790                   | 2810 395                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790                   | 2801 395                   | Request for Continued Examination (RCE)                                    |          |
| 1802 900                   | 1802 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**620.00**

## SUBMITTED BY

|                   |                  |                                   |                   |           |                |
|-------------------|------------------|-----------------------------------|-------------------|-----------|----------------|
| Name (Print/Type) | GINGER R. DREGER | Registration No. (Attorney/Agent) | 33,055            | Telephone | (650) 324-7000 |
| Signature         |                  | Date                              | FEBRUARY 13, 2006 |           |                |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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